



Contact: Cho Cho Myint
Phone: (02) 9860 1560
Email: ChoCho.Myint@planning.nsw.gov.au
Postal: GPO Box 39, Sydney NSW 2001

Our ref: PP_2013_THILL_005_00 (13/07618-1)
Your ref: 12/2013/PLP

Mr Dave Walker
General Manager
The Hills Shire Council
PO Box 75
CASTLE HILL NSW 1765

Dear Mr Walker,

Planning proposal to amend The Hills Local Environmental Plan 2012

I am writing in response to your Council's letter dated 16 April 2013 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal (Amendment No. 14) to correct various anomalies for land at part Lot 1 DP1160957 at Baulkham Hills and part Lot 2 DP 1160957 at Spurway Drive, Baulkham Hills, including rezoning the land to R3 Medium Density Residential and R2 Low Density Residential, applying a minimum lot size of 700sqm, a maximum building height of 10m and amending the Heritage Map and Schedule 5 Environmental Heritage of The Hills Local Environmental Plan (LEP) 2012 under section 73A of the EP&A Act.

I have noted that Council has submitted the matter as one to which section 73A of the EP&A Act applies. However, it is considered that the matter does not fall within the provisions of section 73A because changes proposed to the Heritage Map and Schedule 5 Environmental Heritage include an update to the instrument which is not the correction of an error. As delegate of the Minister for Planning, I have determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistency with S117 Direction 2.3 Heritage Conservation is of minor significance. No further approval is required in relation to this Direction.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending LEP is to be finalised within 6 months of the week following the date of the Gateway determination. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Cho Cho Myint of the regional office of the department on 02 9860 1560.

Yours sincerely,



Daniel Keary
Acting Executive Director
Metropolitan Planning

24/5/13

Gateway Determination

Planning proposal (Department Ref: PP_2013_THILL_005_00): to correct various anomalies for land at Baulkham Hills, under The Hills LEP 2012.

I, the Acting Executive Director, Metropolitan Planning at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to The Hills Local Environmental Plan (LEP) 2012 to correct various anomalies for land at part Lot 1 DP1160957 at Baulkham Hills and part Lot 2 DP 1160957 at Spurway Drive, Baulkham Hills, including rezoning the land to R3 Medium Density Residential and R2 Low Density Residential, applying a minimum lot size of 700sqm, a maximum building height of 10m and amending the Heritage Map and Schedule 5 Environmental Heritage should proceed subject to the following conditions:

1. No community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act").
2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 24th day of

MAY 2013.



Daniel Keary
Acting Executive Director
Metropolitan Planning
Department of Planning and Infrastructure

Delegate of the Minister for Planning and
Infrastructure

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

The Hills Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_THILL_005_00	Planning proposal (Amendment No. 14) to correct various anomalies for land at part Lot 1 DP1160957 at Baulkham Hills and part Lot 2 DP 1160957 at Spurway Drive, Baulkham Hills, including rezoning the land to R3 Medium Density Residential and R2 Low Density Residential, applying a minimum lot size of 700sqm, a maximum building height of 10m and amending the Heritage Map and Schedule 5 Environmental Heritage of The Hills Local Environmental Plan (LEP) 2012.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated

24/5/ 2013


Daniel Keary
**Acting Executive Director
Metropolitan Planning
Department of Planning and Infrastructure**

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP 2013_THILL_005_00
Date Sent to Department under s56	16/04/2013
Date considered at LEP Review Panel	16/05/2013
Gateway determination date	24/05/2013

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: